

EXHIBIT A

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION**

COVER SHEET

Plaintiff(s) Frederick Banks	<div style="text-align: center; border: 1px solid black; padding: 2px; margin-bottom: 5px;">CIVIL DIVISION</div> Case Number : <div style="border: 1px solid black; padding: 2px; display: flex; justify-content: space-around; align-items: center;"> GD -14- 021024 </div> Type of pleading : Complaint
Defendant(s)	Code and Classification :
Vs United States Marshall Service ETAL	Filed on behalf of Plaintiff
	(Name of the filing party)
	<input type="checkbox"/> Counsel of Record <input checked="" type="checkbox"/> Individual, If Pro Se
	Name, Address and Telephone Number : Frederick Banks Doc. # 120759 Allegheny County Jail 950 Second Avenue Pittsburgh, PA 15219
	Attorney's State ID :
	Attorney's Firm ID : OPSSJCONN01 11-17-2014 10:21:55

GD-14-021024

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IN THE COURT OF COMMON PLEAS OF ALLEGHENY
County PENNSYLVANIA

Frederick Banks

CIVIL DIVISION

Doc # 120759

Allegheny County Jail

950 Second Avenue

Pittsburgh, PA 15219;

Plaintiff

Docket #

v.

UNITED STATES MARSHALS Service;

Director, United States Marshall;

DAVID HIXON, U.S. Attorney; Chief

Judge Joy Flowers Conti; Judge

Nora Barry Fischer; Eric Holder,

Attorney General; USA Inspector

General; Ken Salazar, U.S. Department

of the Interior; Director/Commissioner

of Indian Affairs; Bureau of Indian

Affairs, United States Courthouse,

700 Grant Street, Pittsburgh, PA 15219;

JURY TRIAL DEMANDED

Orlando Harper, Warden, Allegheny

County Jail; Rich Fitzgerald, County

Executive; County of Allegheny; Code

Manager Schenk; Unit Manager 4c,

Cindy McSwiggin, Supervisor;

Allegheny County Jail,

950 Second Avenue

Pittsburgh, PA 15219,

Defendants.

Complaint

Plaintiff Frederick Banks an American Indian and member of the Lakota Sioux Tribe and a Tribal official of the United Tribes of America and a second degree Wicca + warlock High Priest and Witchcraft Practitioner brings this Complaint. All Defendants are sued individually, officially, wholly and severally. Plaintiff is a resident of Allegheny County, Pennsylvania. Defendants are residents of Allegheny County and/or conduct business there.

NAME _____

ACJ NO: _____

ALLEGHENY COUNTY JAIL

TO

ATTN: _____

INTEROFFICE MAIL

1. On 9/30/14 Plaintiff was transferred to the Allegheny County Jail by Defendant Director of the United States Marshall's Service ("USMS") and held beyond his prison sentence expiration date of 10/20/14 in violation of the 5th and 8th Amendment. Defendants acted with deliberate indifference because the warden, USM and case manager failed to correct this.
2. In October Plaintiff filed Administrative remedies with ACT by placing it in the Complaint box the complaints were never answered on all issues concerned herein. All administrative remedies have been exhausted. Also, the County of Allegheny is a federal contractor with a contract to hold federal prisoners. Pursuant to 28 Code of Federal Regulations exhaustion of remedies is not required before bringing suit against a federal contractor and the County and a federal contractor has no immunity from suit. All in violation of the 5th and 14th Amendment Due Process Clause.
3. In October 2014 Case manager Schenk told Plaintiff that he could not make any legal calls even though Banks told him that he represented himself and he was involved in at least 40 civil cases nationwide in federal and state court Search Pacer "Frederick Banks". Also see actions in Allegheny County, Ohio, Schenk to Plaintiff that he cannot have his legal and personal mail from his former prison NECC, cca Youngstown 1013 forwarded, and Schenk did not provide Plaintiff with envelopes to send legal mail. Schenk stated that "You are here because the U.S. Marshall's want you here." Schenk stated his boss the Unit Manager would also not allow any calls. All in violation of the First, 5th & 14th Amendment Due Process Clause and the Right to Association. Banks is actually injured in numerous cases because he cannot prosecute his actions. None of the federal or Ohio state courts can receive interoffice mail.
4. Plaintiff had a scrubby beard and long hair on 1 because Defendants refuse to provide him with a haircut and failed and refuse to replace the electric shaver cord they claim had gone missing.

NAME _____

ACJ NO: _____

ALLEGHENY COUNTY JAIL

TO

ATTN: _____

INTEROFFICE MAIL

5. Unit 4C The Pod plan is maintained on used a single electric razor, for 120 inmates. The razor is not sanitized. The lack of sanitation, and failure to provide a hair cut and a new working shower violated the 8th Amendment.
6. Plaintiff wrote to the chaplain of the Prison who never responded to him to procure a Wicca Bible, tools to practice his religion, and a time and place to practice (Wicca tools include a pentacle, chalice, Tarot cards and a wand). The Chaplain never responded. As a result Plaintiff's right to practice Wicca is being violated in violation of the First Amendment Free Exercise Clause and 14th Amendment, the Religious Freedoms Restoration Act and the Religious Institutionalized Persons Act (Critic).
7. Defendants each Sunday allowed for Protestant and Catholic services in the Unit. During this time Plaintiff was confined in his cell but could clearly hear the service therein. Defendants by not allowing him to practice Wicca violated the First Amendment Establishment Clause + 14th Amendment by establishing a religion of their own. Plaintiff request from Defendants a volunteer Wicca chaplain. Defendants provided a Protestant and Catholic volunteer but not a Wicca one in violation of the First Amendment Establishment Clause and the 14th Amendment.
8. Plaintiff is indigent. The handbook signed by Orlando Harper, the A/Cs warden states that inmates will receive an indigent pack containing a pen and 6 first class envelopes for sending mail by writing to the Cashier. Plaintiff wrote to the Cashier but never received a pen nor envelopes. Plaintiff spoke to another inmate who stated he got 6 envelopes from the cashier and received them after Plaintiff had requested them in violation of class of one Equal Protection, the 5th + 14th Amendments.
9. Defendants obstructed Banks access to the Courts to prejudice in his civil actions in the Allegany County Court of Common Pleas + his federal civil and criminal cases in violation of the First Amendment Retaliation Clause, Rights to Petition the government for redress of Grievances, the 5th and 14th Amendments.

NAME _____

ACJ NO: _____

ALLEGHENY COUNTY JAIL

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10. Defendants' actions were willfully purposeful, knowing, intelligent, malicious, and intentional.
11. As a result of the above violations Defendants are liable in the amount of \$10,000,000 for each violation totaling \$60,000,000 along with punitive damages in the total amount of \$180,000,000 costs interests and fees.


Additional Separate Claim

12. Defendants acted as "bad men" in violation of Article I of the Sioux Treaty of Fort Laramie, 15 Stat 635 (1868) See *Richard v. United States* 677 F.3d 1141 (Fed Cir. April 13, 2012). Plaintiff moved the Court pursuant to 28 USC § 1346, the Little Tucker Act to recover damages of \$10,000 on this claim against the United States of America and for an order authorizing the "Commissioner" Director of Indian Affairs at the Bureau of Indian Affairs to "cause the offenders to be arrested and punished according to the laws of the United States" and to reimburse plaintiff for the loss sustained.

WHEREFORE, Judgment should be entered for Plaintiff and against defendants in the amount of \$180,000,000.00, \$10,000 on the Little Tucker Act claim along with costs, interest and fees. A Jury Trial should be ordered and Declaratory Relief ending the violations.

Dated: 10/22/14

Respectfully Submitted,


Frederick Banks

NAME Frederick Brown

ACJ NO: 120759

ALLEGHENY COUNTY JAIL

P

TO Prisoners, Allegheny County
ATTN: County Jail, 1000 Grant Street
Pittsburgh, PA 15219

INTEROFFICE MAIL